

MOTION FOR RECONSIDERATION

FILED

08 FEB -6 PM 2:50

OF DAVID NELSON PRYER
PLAINTIFF

RONALD W. WIENING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

V

MS EVANS WARDEN ET AL
DEFENDANTS

NO. C07 4085 MMC (PR)

FILED

JAN 11 2008

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

#8

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID NELSON PRYER,

Plaintiff,

v.

M.S. EVANS, Warden, et al.,

Defendants.

No. C 07-4025 MMC (PR)

ORDER OF DISMISSAL

(Docket No. 4.)

On August 6, 2007, plaintiff, a prisoner incarcerated at Salinas Valley State Prison¹ and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983, seeking monetary damages. By separate order filed concurrently herewith, plaintiff has been granted leave to proceed in forma pauperis.

DISCUSSION

A. Standard of Review

A federal court must conduct a preliminary screening in any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims that are frivolous, malicious, fail to state a claim upon which relief may be granted or seek monetary relief from a defendant who is immune from such relief. See id.

¹On August 24, 2007, plaintiff notified the Court he had been transferred to Folsom State Prison.

MOTION FOR RECONSIDERATION

EXCUSE ME DISTRICT COURT, IM WRITING
 YOU WITH IN 10 WORKING DAYS,
 MOTIONING FOR RECONSIDERATION
 DUE TO SEVERAL REASONS. 1ST YOU
 TOTALLY OVERLOOKED MY 1ST GROUND,
 STATING FLOOR STAFF MENDOZA,
 MUNGER, & FRISK, WAS INVOLVED IN
 THE TATTOOING IN THE BLOCK, HAVEING
 A EXHAUSTED 602, SHOWING A FACT
 FINNING OF THIS, MISREGARDING PENAL
 CODES, & VIOLATEING TITLE 15 SECTIONS
 & MY 8TH AND 14TH AMENDMENTS,
 BY MALISHIELY POSPONEING ME, FOR
 LONGER THEN 6 MONTHS, FOR TATTOO
 WORK, THRU MEETING OF THE MINDS
 WITH INMATE CARDWELL, WHILE
 I STAYED LOCKED IN A SMALL CELL,
 WITH UNBAGEABLE MESSSES, ON BOTH
 OUTER ARMS, IN TATTOES, EVENTUALLY
 REMOVEING A PIECE OF FLESH MYSELF.
 SEE HUDSON VS MC MILLAN (1992) 501
 US 294 C112 OCT 995; 117 ED 70 165
 LOSEING LARGE AMOUNTS OF MONEY
 & PROPERTY, STAFF BEING AWARE OF,
 ALSO OF RECIEVEING THREATS BY

1 INMATE CARDWELL, BEING REASON
 2 OF PHYSICAL CONFRONTATION, AND PVT.
 3 SUFFERING FROM CONSTANT PSYCHOLOGIC
 4 STRESS, P.T.S.D., PHYSICAL, & ACTUAL
 5 DAMAGES, & LOSSES, SEE 48 USC 1977e(c)
 6

7 AND ON YOUR RESPONSE COPY, OF
 8 CITING MY CASES, WHICH WERE
 9 DISMISSED, YOUR 1ST ISSUE, OF
 10 (REISSUED RULES VIOLATIONS REPORT).
 11 YOU STATE I ALLEGED! 1ST, STATES
 12 MY ALLEGATIONS ARE UNCLEAR. 1ST,
 13 THIS WHOLE GROUND, IS BASED ON A
 14 NEGLIGENCE GROUND, BY A GANG
 15 INVESTIGATOR HANELY, STATING MY
 16 PVT'S STAYING THE SAME, BUT SHE'S
 17 RECOMMENDING A S.H.U. SUSPENSION,
 18 A TRANSFER, & THE D.A.'S NOT PICKING
 19 THE CASE UP. WERE I STATED THIS
 20 IN MY EXHAUSTED BOOK, & MY GROUND,
 21 ~~HAVING~~ HAVING A WITNESS TO HANELY'S
 22 STATEMENTS, OF REVERSEING MY
 23 SENTENCE, AT MY CELL DOOR. SEE ID
 24 AT 486 87. THEN GOING TO COMMITTEE,
 25 BEING TOLD THERE'S NO DOCUMENTATION
 26 OF I S U'S HANELY'S RECOMMENDATIONS,
 27 OF THE D.A.'S DECLINE, OR MY IIS BEING
 28 HEARD, WERE IT WAS. YOUR DISTRICT

1 & APPEALS COORDINATORS OFFICE, IN S.V.S.P.
 2 BOTH MISUNDERSTOOD, THIS COMPLAINT,
 3 DISCREPANCY, IN CLAIMING THAT THE
 4 C.V.C. SHOULD BE DISMISSED, OR NEVER
 5 HEARD. I NEVER CLAIMED THIS AT ALL
 6 FROM THE DAY I FILED MY 602, I HAVE
 7 BEEN CLAIMING NEGLIGENCE & RETALIATION
 8 ASKING FOR HANLEY'S INFORMATION, SHE
 9 RECOMMENDED, TO ME, TO SURFACE THIS
 10 BLENDED CAUSES OF MY CONSTANT PSYCHOLOGICAL
 11 STRESS, BY ACTIVATING THE D.A. REFERRAL
 12 & OTHER ISSUES BY NEGLECTING THIS
 13 DOCUMENTATION.

14
 15 3RD REGARDING MY INVASIONS OF
 16 PRIVACY ALLEGATIONS, YOU STATE A CLAIM
 17 IS FRIVOLOUS, IF IT IS PREMISED ON AN
 18 UNDISPUTED MERITLESS LEGAL THEORY, OR
 19 LACKING FACTUAL BASIS.
 20 1ST, C.D.C.F. TITLE 15 SECTIONS, 3413A1 (CIC)
 21 STATES ITS A VIOLATION TO TRANSMIT
 22 INFORMATION, THAT VIOLATES OR INFRINGES
 23 ON RIGHTS OF PRIVACY, & THE 4TH ~~CONSTITUTIONAL~~
 24 CONSTITUTIONAL AMENDMENT STATES, MY RIGHT
 25 TO GATHER INFORMATION (WITH THIS RIGHT IS
 26 VIOLATED BY THIS TRANSMISSION SPREADING MY
 27 INFORMATION THATS GATHERED, CREATING FEDERAL
 28 INFRINGEMENT SUITS OF MY WORK) & GATHERING

1 GOVERNMENTS, CANT ACT ON UNREASONABLE
2 ASUMPTIONS, TO VIOLATE THIS RIGHT, THRU
3 SAFE GAVD ISSUES, & FEDERAL LAW
4 PRIVACY ACTS, BY BEING PROTECTED BY
5 THIS ABUSE. BASED ON FACTS,
6 STATE PRISONS, HAVE HISTORIES OF THIS
7 ABUSE. (CSP SAC IS ONE OF THEM) &
8 REGARDING A SIMILAR ISSUES, IN A
9 DETROIT PRISON, COURTS HAD TO MOTION
10 THIS ABUSE UNCONSTITUTIONAL, THIS BEING
11 ANOTHER GROUND IN CLAIMING RELIEF
12 THRU PSYCHOLOGICAL STRESS.

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17 DAVID PRYER JAN 31 08
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